

REMARKS

The Office Action mailed January 7, 2009 has been given careful consideration by the applicants. Claims 1-4 and 6-13 remain in the application; claim 5 has been withdrawn.

The Examiner's recognition of allowable subject matter in claim 3 is acknowledged. Nonetheless, reexamination and reconsideration of the application is respectfully requested in view of the comments herein.

I. The Office Action

Claims 1-2, 4 and 6-13 were rejected under 35 U.S.C. §102(e) as being anticipated by King *et al.* (U.S. 2003/0187575).

Claim 3 was objected to as being dependent on a rejected base claim, but would be allowable if written in independent form.

II. Rejection of Claims 1-2, 4 and 6-13 Under 35 U.S.C. §102(e)

Claims 1-2, 4 and 6-13 stand rejected under 35 U.S.C. §102(e) as being anticipated by King *et al.* It is respectfully requested that this rejection be withdrawn for at least the following reasons. King *et al.* fails to disclose each and every element of the subject claims.

The claimed subject matter relates to updating the clock bias of a cellular system to improve acquisition of satellite data. To this end, independent claim 1 recites *said assistance server determining the position of said mobile device and **estimating the clock bias between the common clock of said satellites and the clock of said radio station** using said pseudodistances and said time at which said pseudodistances are calculated.* Independent claims 6-7 and 11-13 recite a similar feature. King *et al.* fails to disclose or suggest this claimed aspect.

King *et al.* uses a GPS-enabled handset to transmit information from the handset to position determining equipment (PDE). At paragraph [0080], King appears to disclose that an MS-assisted handset measures pseudoranges. The handset then transmits the pseudoranges to the PDE for final position computation. King *et al.* does not disclose estimating the clock bias between the common clock of said satellites and

the clock of said radio station. Thus, King et al. fails to disclose or suggest *said assistance server determining the position of said mobile device and **estimating the clock bias between the common clock of said satellites and the clock of said radio station** using said pseudodistances and said time at which said pseudodistances are calculated*, as claimed.

In view of the foregoing, it is readily apparent that King *et al.* fails to disclose or suggest each and every element of independent claims 1, 6-7 and 11-13. As a result, dependent claims 2-4 and 8-10 are also patentable over the cited reference. Thus, it is respectfully requested that this rejection be withdrawn with respect to independent claims 1, 6-7 and 11-13, as well as claims 2-4 and 8-10 which depend therefrom.

III. Objection to Claim 3

Claim 3 was objected to as being dependent on a rejected base claim. This objection should be withdrawn for at least the following reasons. As noted *supra*, independent claim 1 is patentable over the cited reference. Claim 3 depends from independent claim 1. Accordingly, the objection to claim 3 should be withdrawn.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-4 and 6-13) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at 216.363.9000.

Respectfully submitted,

Fay Sharpe LLP

A handwritten signature in black ink, appearing to read "Joseph D. Dreher", is written over a horizontal line.

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Date

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